

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In re:

SCOTT T. LAY,

Debtor.

CASE NO. C24-5503-BHS

BR CASE NO. 24-41048-MJH

ORDER

SCOTT T. LAY,

Appellant,

v.

JENS GRUENKEMIER,

Appellee.

THIS MATTER is before the Court on its own motion. Pro se, in forma pauperis debtor/appellant Scott T. Lay appealed the Bankruptcy Court's June 13, 2024, Order lifting the 11 U.S.C. § 362(a) Automatic Stay as it applied to his secured creditor, Jens Gruenkemier, and the property located at 4541 E. F St., Tacoma, Washington. Dkt. 1 at 7–8.

Lay's brief was due September 3, 2024. Dkt. 4.

1 Lay has not filed a brief or anything else. Nor is there any evidence or argument
2 that Lay sought a stay of the Bankruptcy Court's Order under Federal Rule of Bankruptcy
3 8007. The appeal is **DISMISSED** for failure to prosecute. If the creditor/appellee has
4 already foreclosed on the property, Lay's appeal is also moot. *See In re Egbert*
5 *Development, LLC*, 219 B.R. 903, 905 (10th Cir. BAP 1998) (collecting cases, including
6 *Algeran, Inc. v. Advance Ross Corp.*, 759 F.2d 1421, 1423-25 (9th Cir. 1985)).

7 The Clerk shall close the case. *In re Egbert Development, LLC*, 219 B.R. 903, 905
8 (10th Cir. BAP 1998) (collecting cases, including *Algeran, Inc. v. Advance Ross Corp.*,
9 759 F.2d 1421, 1423-25 (9th Cir. 1985)).

10 **IT IS SO ORDERED.**

11 Dated this 28th day of October, 2024.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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